

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ASCENT: A SCHOOL FOR INDIVIDUALS WITH AUTISM,
NASSAU SUFFOLK SERVICES FOR THE AUTISTIC;
D.H. and T.H., Individually and as next friends on behalf of their child B.H.;
T.D. and A.D., Individually and as next friends on behalf of their child A.D.; 17CV6866
P.M., Individually and as next friend on behalf of her child R.M.;
M.C. and K.C., Individually and as next friends on behalf of their child A.B.;
M.H. and F.H., Individually and as next friends on behalf of their child A.H.; (Spatt, J.)
and M.C. and M.C., Individually and as next friends on behalf of their child T.C.,

Plaintiffs,
-against- (Lindsay, M.J.)

NEW YORK STATE EDUCATION DEPARTMENT,
MARYELLEN ELIA, in her official capacity as NEW YORK STATE
COMMISSIONER OF EDUCATION, and
KAREN NEILSEN and JULIA NAGLE, in their official capacities as
REGIONAL ASSOCIATES of THE NEW YORK STATE EDUCATION
DEPARTMENT,

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Notice of Motion, dated March 9, 2018; the
Defendants' Memorandum of Law in Support of the Motion, dated March 9, 2018, with Appendix
thereto; and upon all papers and pleadings filed herein, a motion will be made by the Defendants to
this Court, the Hon. Arthur D. Spatt presiding, at the courthouse located at 100 Federal Plaza,
Central Islip, New York 11722-4438, on _____, 2018 , at ____ o'clock in the
forenoon or as soon thereafter as counsel can be heard, for an Order, pursuant to Rule 12 (b) (1)
and (6) of the Federal Rules of Civil Procedure, dismissing the Complaint, and for such other and

further relief as this Court may deem just and proper.

Dated: March 9, 2018
Mineola, New York

Yours etc.,
ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants
200 Old Country Road, Suite 240
Mineola, New York 11501
(516) 248-3302

By: /s/
Asst. Attorney General Dorothy Oehler Nese
Of Counsel

TO: Frederick J. Berman, Esq.
Shebitz Berman & Delforte, P.C.
1325 Avenue of the Americas, 27th Floor
New York, New York 10019